

Involuntary Merger Restoration of Lots of Records

Time Line: Approximately 30 days from completed application to action by the Board of Selectmen.

Fee: \$25

Procedures

1. Landowner seeking the restoration of involuntary merged lots initially is referred to the Office of Development Services (ODS). The purpose for this referral is to assess if the subject lot(s) may have involved an involuntary merger by the Town, and if so, the party is directed to step 2. The referral provides guidance as to potential ramifications that could arise from the restoration of a lot(s); including, but not limited to tax consequences, and development limitations. If the initial assessment indicates the merger was not done by the Town (not always discernable), or that it is apparent that a merger was a voluntary one, the landowner is advised to not submit application request. If this finding is challenged, then, the request should be treated as if it was for an involuntary merger so that a formal finding can be made. Contact persons for conducting this initial meeting are:
Town Planner; Bruce W. Woodruff
Administrative Assistant, Ms. Bonnie Whitney
2. The landowner or authorized agent completes and submits an Application for the *Restoration of Involuntarily Merged Lots* located in the Office of Development Services.
3. ODS staff shall inform the landowner that the purpose for this application is to identify the request and to initiate its consideration in a timely manner. For the Town, the application serves to:
 - a. Initially confirm that the request is appropriate for this process – it must be a case where there was an involuntary merger or else a case where such a claim needs verification;
 - b. Identification of the property/lots involved;
 - c. Confirmation of ownership (party seeking action is required to be the legal property owner);
 - d. Land owner/party's initial identification as to the underlying purpose for the involuntary merger. The purpose should be related to a – Zoning, Taxation or Assessing purpose;
 - e. Securing the signature and contact information from the land owner/party;
 - f. Encouraging the land owner/party, now an applicant, to assist in the Town's discovery process by providing any background information on their request. Copies of submitted materials should be attached to the application along with a narrative and list of submittals. It is recognized that the burden of proof resides with the Town.
 - g. The application is signed by the landowner and certified complete by ODS staff.
4. The Office of Development Services schedules (notice sent to Departments) a modified Technical Review Committee (TRC) meeting within five (5) days of receipt of the completed application to discuss the application and review the research required by the:
 - a. Land Use Office records; and,

- b. Tax Collector records; and,
- c. Assessor records,

This information is used in order to agree upon a formal TRC recommendation to the Board of Selectmen prepared by the Town Planner. The burden of proof ultimately lies with the town so any local and/or county records should be used to this purpose. General approaches to this phase include:

- a. Identifying and accessing whatever available information may exist;
 - b. Reaching a determination as to if the request is valid or not;
 - c. If valid – identify supporting information and any changes to Town records that would be needed;
 - d. If not valid - identify the supporting information that substantiates this finding.
5. ODS forwards the application file with TRC recommendation and documentation to Administration so that the request may be scheduled for the next available Select Board meeting for review and deliberation.
 6. The landowner/applicant is notified of the scheduled meeting by ODS after notification by Administration of the scheduling of the agenda item.
 7. The Board of Selectmen (BOS) renders a decision at the scheduled meeting.
 8. ODS prepares a decision letter that is mailed return receipt-certified to the landowner and/or authorized agent with the right of appeal to the ZBA noted. The application folder with decision letter is filed in the Map/Lot files.
 9. A second TRC meeting is scheduled in order to coordinate any potential changes to records should the submittal be approved by the BOS. The Tax Collector's office, Assessor's office and ODS formalize actions need to be taken so as to complete this process.
 - a. Note: At this time, it is assumed that no appeals will be made of the town's action. Some future effort in this matter will be appropriate if an application is denied.
 10. As needed, Town records are changed and when completed, notice is provided to Office of the Board of Selectmen. Some changes that may be required are: GIS map changes, current use status, assessor's records; tax collector's billing records, and recording of developability of the lot.